

DATE 5/25/05

APPLICATION NUMBER 10/812426

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In re Application of :  
Tony A. Cutshall, et al. :  
Application No. 10/812,426 : **ON PETITION**  
Filed: March 30, 2004 :  
Attorney Docket No. DEP-5069 :

This is a decision on the petition under 37 CFR 1.137(b), filed February 18, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely respond to a Notice to File Corrected Application Papers mailed June 15, 2004. This decision precedes the mailing of a Notice of Abandonment. On February 18, 2005, the present petition was filed, along with replacement drawings and a petition for extension of time.

Extensions of time under 37 CFR 1.136 are available only if asked for prior to or with the response. In no case, however, may an applicant respond later than the maximum time period set by statute. Accordingly, if the question of abandonment arises when the provisions of 37 CFR 1.136 can no longer be used, then the application is abandoned when the unextended time for response has expired. Since, no extension of time fees are due on a petition for revival, the \$2160 extension fees are being credited to counsel's deposit account.

The application is being referred to the Office of Initial Patent Examination (OIPE) for further consideration of the replacement drawings filed February 18, 2005.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to OIPE processing should be directed to their hotline at (703) 308-1202.

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy